

MEETING 34 July 2

At a Joint Meeting of the Madison County Board of Supervisors on July 2, 2008 at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that all members are present.

Chairman, Eddie Dean provided an overview of the final phase of tonight's meeting and stated the following cases would be discussed tonight:

Case Number SP-07-08-39, which is a request by Trustees of Harvest Church of God for a site plan for a proposed church in the existing Arch Angel Arts Center, Inc. and for Arch Angel Arts Center, Inc. to continue operation. This property is located off Route 29 Northbound Lane near Shelby and contains 1.411 acres of land, zoned A-1. The final plan has been approved by the Madison Health Department and the Virginia Department of Transportation.

Joe Austin, Pastor of the Harvest Church, was present and advised the Arch Angel Arts, Inc. no longer exists as a corporation and has been dissolved through the State and will be known Arch Angel Ministry (under the Church) – he advised all concerns were discussed at the workshop session of the Madison County Planning Commission.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the site plan request is approved as recommended by the Madison County Planning Commission with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-07-08-40, which is a request by Mitchell Mountain LLC for a plat of a subdivision of land to create one (1) lot with residue on Route 605 at Novum, zoned A-1. The proposed lot will use a private joint entrance with Tax Map 24-47, also owned by Mitchell Mountain LLC (Tax 24-20B). The final plan has been approved by the Madison Health Department and the Virginia Department of Transportation.

Bill Gimbel, Surveyor, was present on behalf of the applicant; he also advised the entrance at the site has been approved by the Virginia Department of Transportation.

Diane Heckel was present and stated that she currently lives across from one of the proposed subdivisions and has questions about the land division; specifically, she wasn't notified about the division request and received a letter only last week that indicated the land will be subdivided off Route 607, but had no idea there was also consideration being given for a proposed subdivision on Route 605 until yesterday. Additionally, she is concerned about safety issues – she provided photographs of the sites and advised that Route 605 is gravel (south) and also runs north into a blind intersection at Novum with minimal site distance toward the west and east. A warning site has been erected with a 15 mph limit posted although she has never seen any cars slow with any significance when approaching the intersection. She advised the letter she received made reference to plat 24-41; however, she is across the road from plat 24-20B and plat 24-47 (double lots).

Carol Davis, Assistant Zoning Administrator, indicated the resident should have received a letter, to which the resident claimed the letter had no reference to Tax map 24-20B.

Carol Davis, Assistant Zoning Administrator, advised the Commissioner of the Revenue's Office is currently performing updates to the tax maps which she feels may be the reason a letter notifying of tonight's case wasn't sent to Ms. Heckel.

Diane Heckel asked what was the source of the fill dirt deposited at the entrance – it looks like there's a ten foot drop; she also doesn't feel this is an appropriate location for a subdivision for two-acre lots (i.e. old farming community) - it's a popular area for bicycle riders and this isn't a particularly favorable spot to reside (at the corner).

Concerns from the Madison County Planning Commission referenced conditions denoted in the County's Subdivision Ordinance, to which Lisa Kelley, County Administrator, advised there was adequate notice provided to the surrounding residents of the subdivision request; therefore, she doesn't see any problems with the application.

Rodney Lillard, Chairman, proposed concerns to the Virginia Department of Transportation representative regarding the intersection that has been discussed.

Matt Bollick of the Virginia Department of Transportation was present and stated the intersection has been reviewed in the past; however, there are concerns and signage has been posted to recommend a lower speed limit; therefore, if a new property is subdivided, the Virginia Department of Transportation recognizes two types of entrances:

- 1) Private/residential (one-two residential buildings on a piece of property)
- 2) Commercial (any non-residential use or three or more residential buildings on a piece of property)

Additionally, he advised that anytime a commercial entrance is established, the Virginia Department of Transportation looks very closely at the sight distance and will not approve a commercial entrance if the sight distance conditions aren't met. In closing, he indicated he had nothing further to denote on the entrance in tonight's case.

Concerns were verbalized as to whether the Virginia Department of Transportation utilized benchmarks for residential properties.

Matt Bollick advised there is not a minimum standard for residential entrances, although the department tries to meet with property owners and help sight the entrances at the best possible location on the property; however, a residential/private entrance cannot be denied solely based on sight distance; however, a commercial development is assessed under different guidelines.

Bill Gimbel advised that he was unsure about the fill dirt at the location.

Bob Miller stated he hasn't seen a fifty-foot (50') private entrance that straddles on a property and questioned whether this is standard procedure.

Rodney Lillard, Chairman, stated there has been a lot of concern as to whether the Madison County Planning Commission has legal authority over certain site improvements in specific cases.

Bill Gimble, Surveyor, stated before the road was widened by the Virginia Department of Transportation, this was the existing entrance at the property and he believed this was found to be satisfactory.

Bob Miller asked if the signage posted by the Virginia Department of Transportation was a recommendation or an absolute speed limit sign.

Matt Bollick advised the signage has been posted for a few months and is a recommendation not law – the location is residential and there is no sight distance required for such entrances.

Chairman, Eddie Dean clarified there would be one house on each of the properties (three [3] separate requests).

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-07-08-41, which is a request by Mitchell Mountain LLC for a plat of a subdivision of land to create one (1) lot with residue on Route 607 at Novum, zoned A-1 (Tax Map 24-41). The final plat has been approved by the Madison Health Department and the Virginia Department of Transportation.

Bill Gimbel, Surveyor, was present on behalf of the applicant and advised tonight's request is dealing with an existing house, driveway, well and drain field.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-07-08-42, which is a request by Mitchell Mountain LLC for a plat of a subdivision of land to create one (1) lot with residue on Routes 605 and 606 at Novum, zoned A-1. The proposed lot will use a private joint entrance with Tax Map 24-20B, also owned by Mitchell Mountain LLC. (Tax Map 24-47) The final plat has been approved by the Madison Health Department and the Virginia Department of Transportation.

Jacquelyn Eisenberg verbalized concerns about the health plat for the property.

Bill Gimbel, Surveyor, was present on behalf of the applicant, and advised that all requirements imposed by the Virginia Department of Transportation have been satisfied; he also advised the reserve for the health plat is typically 5,000 square feet, and tonight's case involves 6,500 (excess).

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the subdivision request is approved as recommended by the Madison County Planning Commission, with conditions as attached, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-07-08-43, which is a request by Gary Travis to allow renters, John and Shelley Chebuske, to amend the current special use permit on this property to allow them to operate a retail store out of the existing furniture store. This property is located off Route 29 Northbound Lane near Shelby and contains 3.349 acres of land, zoned Conditional Industrial, M-1. The final plat has been approved by the Virginia Department of Transportation, and verbally approved by Dwayne Dixon, Sanitarian of the Madison Health Department.

John Chebuske was present to answer any questions pertaining to tonight's request.

After discussion, on motion of James L. Arrington, seconded by Bob Miller, the amended special use permit is approved as recommended by the Madison

County Planning Commission, with conditions as attached, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SP-07-08-44, which is a request by Gary Travis for a site plan to allow renters, John and Shelley Chebuske, to operate a retail store out of the existing furniture store and to construct a 12' x 16' storage shed for merchandise sold in the retail store. This property is located off Route 29 Northbound Lane near Shelby and contains 3.349 acres of land, zoned Conditional Industrial, M-1 (Pending the above request for an indefinite special use permit). The final plat has been approved by the Virginia Department of Transportation and verbally approved by Dwayne Dixon, Sanitarian of the Madison Health Department.

John Chebuske was present to answer any questions pertaining to tonight's request and advised there are no intentions to construct anything but rather to purchase a pre-built shed and erect it on the property with a gravel foundation.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the site plan request is approved as recommended by the Madison County Planning Commission, with conditions as attached,

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SP-07-08-45, which is a request by Robert W. & Sandra Aldrich for a site plan to construct a 10' x 40' porch addition onto the proposed recreational building for Shenandoah Hills Campground. The site plan was previously approved for the building on May 7, 2008. This property is located on Route 29 Southbound Lane near Madison and contains 24.977 acres of land, zoned A-1 and B-1. The final plat has been approved by the Virginia Department of Transportation, the Madison Health Department and the Culpeper Soil & Water Conservation Agency (no plumbing).

Lee Baynes was present on behalf of the applicant and stated the plan was originally approved at the May 7, 2008 Joint Meeting; however, shortly thereafter, the owner discovered the plans for the porch were omitted from the footprint that shown on the site plan; the only changes on the two plans is the addition of the proposed porch on the front of the building and expanded limits of clearing along the front of the building to accommodate the construction. Additionally, he stated the area of increased limits of clearing is insignificant and didn't change any of the original controls.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with conditions as attached and edited, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean advised this concludes the planning commissions cases for the evening and called for a brief recess period.

Chairman, Eddie Dean reconvened the meeting and advised the Board will need to act on the appointment of an Animal Control Officer.

Lisa Kelley, County Administrator, advised the County has now consolidated the Animal Control and the Madison Animal Shelter functions into one (1) budgetary/operational department; therefore, the Animal Control Officers will now report directly to the Director of Facilities (and Maintenance) instead of to the Madison County Sheriff (i.e. supervisory). She advised for the purpose of clarification for the Court(s), the Animal Control Officers will present their summons (certification[s] will be provided as per Virginia State Code guidelines) and certification(s) will denote an appointment date of July 1, 2008 and also the County is ratifying the authority that was passed during the time the officers were originally employed by the County of Madison (hired in 2/08 and 10/02).

After discussion, on motion of James L. Arrington, seconded by Clark

Powers, the Board voted to approve the appointment/certification of Ms. Cromwell and Mr. Cave as Animal Control Officers for Madison County, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Chairman, Eddie Dean advised that each Board member should have a copy of the Claims report for the upcoming Regular Meeting and a report from the Financial Advisory Committee – he asked that each member review these documents in preparation for next week's meeting.

With no further action being required by the Board, on motion of Clark Powers, seconded by James L. Arrington, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: July 3, 2008